



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

October 27, 2008

Susan Admire
Naval Facilities Engineering Command
Atlantic Division
6506 Hampton Boulevard
Norfolk, Virginia 23508-1278

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement
for the Navy's Proposed Training at the Cherry Point Range Complex in North
Carolina; CEQ Number 20080345

Dear Ms. Admire:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (EIS)/Overseas EIS in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The U.S. Department of the Navy (Navy) prepared a Draft EIS/Overseas EIS to assess the potential environmental impacts over a 10-year planning horizon associated with Navy Atlantic Fleet training; research, development, testing, and evaluation (RDT&E) activities; and associated range capabilities enhancements (including infrastructure improvements) in the Cherry Point operating areas, hereafter referred to as the Cherry Point Range Complex.

A range complex, such as the Cherry Point Range Complex, is a set of co-located areas of sea space, undersea space, land ranges and overlying special use airspace (SUA) designated for military training and testing operations. Range complexes provide a controlled and safe environment with threat representative targets where military ships and aircraft can train in realistic combat-like conditions throughout the graduated buildup needed for combat ready deployment. The Cherry Point Range Complex geographically encompasses offshore, nearshore, and onshore operating areas and training ranges. This complex is made up of approximately 31,146 square nautical miles (nm²) of sea space and 18,966 nm² of SUA off the coast of North Carolina.

The Navy has identified the need to support and conduct current and emerging training and RDT&E operations in the Cherry Point Range Complex. The proposed action does not include major changes to Cherry Point Range Complex facilities, operations, training, or RDT&E capacities over the 10-year planning period. Rather, the proposed action would result in relatively small-scale but critical enhancements to the Cherry Point Range Complex that are necessary if the Navy is to maintain a state of military readiness commensurate with its national defense mission. Three alternatives were considered in the Draft EIS: 1) no action alternative –

maintain current training operations within the Cherry Point Range Complex; 2) Alternative 1 – increase and modify operational training to include expanded warfare missions, accommodate force structure changes, and enhance range complex capabilities; and 3) Alternative 2 – same as Alternative 1 with the elimination of high explosive bombing exercises at-sea and designation of two mine warfare training areas in the complex. Alternative 2 was identified as the preferred alternative.

In general, EPA supports the purpose and need for the action proposed in the Draft EIS. EPA understands the need to conduct realistic training on accessible training ranges and other appropriate facilities. EPA appreciates the Navy's comprehensive approach to analyze the impacts of their ongoing operations and project the impacts into the future based on reasonably foreseeable training needs. However, based on our review of the Draft EIS, EPA has environmental concerns about the effect of the Navy's training activities primarily associated with the deposition of expended training materials, their accumulation over time, and their potential impacts over time to reef complexes and hard bottom habitat. This was identified in the Draft EIS as the greatest impact of Navy training activities. The accumulation of these expended materials in this area from past use plus the additive environmental impact associated with the proposed action's 10-year plan raises concerns about the long-term impacts to the aquatic environment. EPA offers the following specific comments for your consideration in development of the Final EIS for this project:

Noise/Air Quality

As part of the proposed action, the Navy proposes to increase the number, type and operations of commercial air services (CAS) within the Cherry Point Range Complex. The Draft EIS suggests that the increased use of CAS training would not substantially increase aircraft numbers, emissions, etc. However, the Draft EIS does not identify the location from which these aircraft would originate. It is conceivable that there would not be a significant increase in the number of sorties/events; however there could be significant adverse noise or air quality impacts associated with these CAS events if they are originating from different locations that are not currently experiencing this level of engagement. What additional impacts from the use of CAS to supplement Navy training would be reasonably foreseeable? EPA recommends that the Final EIS address this issue.

Endangered Species

The Draft EIS identifies a number of mitigation measures that were put in place as part of the 1997 Biological Opinion (BO) from the National Marine Fisheries Service (NMFS) on Navy training impacts to marine mammals and several endangered species, primarily the North Atlantic Right Whale. This includes avoidance of transits through the critical habitat, establishment of buffer zones around the critical habitat, cautious vessel operation, marine mammal lookouts posted aboard ships, and ordnance drops restricted to a designated area with other special restrictions during the calving season of the right whale. It also included an incidental take statement for sea turtles. The Draft EIS does not include any information about the success of these measures. How well are they currently working? What are the results from

any monitoring conducted in accordance with these protocols? Since these measures will be included as part of the proposed action and are important to minimize impacts to these species, EPA recommends that the Final EIS include a thorough description of the historical results of this important mitigation/monitoring commitment. In addition, EPA recommends that the Final EIS documents the consultation record with the U.S. Fish and Wildlife Service and NMFS as part of Navy's compliance with the Endangered Species Act, Marine Mammal Protection Act, and Magnuson-Stevens Fishery Conservation Management Act.

Hazardous Materials

The Draft EIS states that, "The Navy makes every effort to minimize its use of hazardous material during training, and recovers and reuses unexpended training material to the extent practicable." What percent of training material is recovered and how does the expended training material contribute to marine debris? There are very few specifics about the extent to which material is recovered and reused as part of overall training activities. Furthermore, there are no specific commitments to make this a part of normal training operations protocols to minimize long-term impacts from deposition of expended or unexploded material.

Guidance issued by the Council on Environmental Quality (CEQ) on integrating pollution prevention in Federal planning under NEPA states that Federal agencies should use every opportunity to include pollution prevention features in NEPA planning and decisions and reflect such considerations in their NEPA documents. The Draft EIS identifies the contamination from munitions, including oils, heavy metals, and chemical stimulants, that will be left in the water column and sediments. The preferred alternative involves significant increases of materials expended that include liquid and soluble hazardous materials.

Consistent with CEQ guidance, the Final EIS should describe what actions the Navy is taking to reduce the introduction of pollutants during range complex activities. EPA requests additional information and a discussion of efforts to minimize and reduce the amounts of hazardous materials deposited into the aquatic environment from training activities. We strongly recommend that the Navy perform its training in a manner that minimizes the deposition of pollutants into soils and the water column. EPA recommends that the Navy commit to specific measures to reduce pollutant loadings and include these mitigation measures in the Final EIS and Record of Decision (see comments below on mitigation and monitoring).

Mitigation and Monitoring Measures

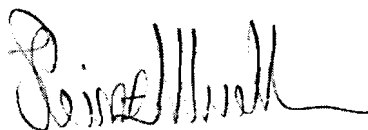
The Draft EIS includes a comprehensive chapter on proposed mitigation and monitoring programs. The commitment on the part of the Navy to develop an Integrated Comprehensive Monitoring Program (ICMP) is important given the magnitude of proposed training activities and the geographic size of the training areas. EPA supports the development of a comprehensive monitoring program to ensure that the ongoing impacts from these training activities are assessed and appropriately addressed/mitigated once identified. However, it appears that the focus of the ICMP will be limited to marine mammals and other threatened and endangered species.

Since there have been no specific, quantitative studies of the extent and impacts of military expended material (MEM) in the Cherry Point Range Complex, EPA recommends that the ICMP be expanded to include a commitment to study and monitor impacts of MEM in the aquatic environment similar to the study cited in the Draft EIS of impacts at a Canadian Test Range near British Columbia. This commitment would also serve to provide information in the future to support the conclusions in the EIS that the MEM would have no significant impact on bottom topography, sediment, and water quality. An expanded ICMP could also include programs for damage inspections followed by damage assessments and repair to assist in developing long-term mitigation for continuing operations and the ability to reevaluate conditions in the future. EPA recommends more specificity in the Final EIS on the content of the ICMP, with an intent to include these specific commitments in the Record of Decision for the project.

EPA understands this is not a trivial expansion of monitoring commitments on the part of the Navy. However, given the significant increase of range training activities at several locations along the east and west coasts of the United States and Gulf of Mexico, as described in the recently developed EISs for these proposed actions, EPA views this commitment as an opportunity to conduct important impact assessment monitoring and utilize adaptive management to adjust training activities in the future depending on the outcome. At a minimum, EPA recommends that the Navy consider a pilot monitoring project on one of the expanded training ranges. EPA stands ready to assist you in developing a monitoring protocol that would meet the above objectives.

We rate this document EC-2 (Environmental Concerns – enclosed is a summary of definitions for EPA ratings). We have concerns that the proposed action has the potential for environmental impacts that should be avoided/minimized. EPA requests additional monitoring commitments to address these concerns. We appreciate the opportunity to review the proposed action and are prepared to assist you in implementing any of the measures, described in our comments, to help in addressing the potential impacts of the proposed action. Please contact Ben West of my staff at (404) 562-9643 if you have any questions or want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure

U.S. ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENT (EIS) RATING SYSTEM CRITERIA

EPA has developed a set of criteria for rating Draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft.

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- **LO (Lack of Objections):** The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- **EC (Environmental Concerns):** The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.
- **EO (Environmental Objections):** The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:
 1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;
 2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;
 3. Where there is a violation of an EPA policy declaration;
 4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
 5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.
- **EU (Environmentally Unsatisfactory):** The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
 1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
 2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
 3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

- **1 (Adequate):** The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.
- **2 (Insufficient Information):** The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the Draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.
- **3 (Inadequate):** The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the Draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the Draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised Draft EIS.